

REMARKS/ARGUMENTS

This communication is in response to the Final Office Action dated August 18, 2009.

Claims 1-14 were previously canceled, without prejudice. Claims 15-31 remain pending in this application with claims 15 and 26 being the only independent claims. Reconsideration is respectfully requested.

Prior Art Claim Rejections

Claims 15, 18, 21-23, 25 and 27 are rejected under 35 U.S.C. §103(a) as obvious over US Patent Publication No. 2003/0107648 (Stewart et al.) in view of U. Patent Publication No. 2003/0112354 (Ortiz et al.).

Claims 16, 17, 19, 20 and 24 are rejected under 35 U.S.C. §103(a) as obvious over Stewart et al. and Ortiz et al. in view of US Patent No. 6,930,994 (Stubbs).

Claims 26 and 29-31 are rejected under 35 U.S.C. §103(a) as obvious over Ortiz et al. in view of US Patent Publication No. 2003/0020611 (Script et al.).

Applicant respectfully traverses the prior art rejections for at least the reasons discussed below.

Independent Claims 15 & 26

Claim 15 calls for “checking that a subscriber relationship (8, 9) of the mobile communication system and/or a temporary IP address is associated with a corresponding transmitter and receiver, wherein the two subscriber relationships and/or the IP addresses are linked in a database of the operator (11) of the mobile communication system.” (emphasis added)

The Examiner acknowledges that Stewart fails to disclose or teach these claimed limitations, stating instead that they are taught by Ortiz et al. (paragraphs [0071], [0073], [0076]). Referring to the relevant paragraphs cited by the Examiner, Ortiz et al. discloses “Additionally, a security unit may be utilized to process proper security codes to thereby ensure that data transferred to and from hand held device 11 may be secure and/or permitted. Broadcast security prevents general receipt of venue images without proprietary hardware and/or signals.” (paragraph [0058]) Ortiz et al. further states that “The equipment may also provide for the

securing transmission of signals and associated data. For example, such equipment can rely on the encryption of signals. These signals, if encrypted, can be decrypted by authorized hand held receivers.” [0071] Accordingly, Ortiz et al. teaches that only authorized hand held receivers employ the necessary hardware/software to decrypt the encrypted data. The reference fails to disclose or suggest a database for linking the two subscriber relationships and/or the IP addresses, as expressly called for in claim 15.

In the August 18, 2009 Final Office Action the Examiner addresses this argument and maintains that Ortiz et al. reads on the first condition “when handheld device authorized than the handheld device received video and decrypted which is read on checking subscriber relationship authorization for receiving video data.” {August 18, 2009 Final Office Action: p. 2, last sentence through p. 3, l. 2} Applicants respectfully disagree. Such authorization as taught by Ortiz et al. is conditional merely on the presence of decryption hardware/software that is either installed or accessible by the receiver without any linking of the two subscriber relationships themselves.

Claim 15 further includes the step of “checking authorization of the receiver for receiving the video data from the transmitter, based on the linked data.” No such checking or verification as to proper authorization of the receiver based on the linking of the two subscriber relationships (since the Examiner acknowledges that Ortiz et al. fails to disclose linking of the IP addresses) is disclosed by the reference. Instead the only condition for authorization is whether the proper decryption software is provided on or accessible by the receiver, then authorization is assumed to be valid. No authorization for the receiver to receive the transmission is conditional on the linking of the two subscriber relationships.

Claim 26 is the apparatus counterpart of method claim 15. Despite the fact that claims 15 and 26 are counterparts of one another, the Examiner rejects claim 26 on different grounds using different prior art than that used to reject claim 15. It is also noted, that the Examiner with respect to claim 26 acknowledges that Ortiz et al. fails to disclose “a database of the mobile communication system for linking two subscriber relationships and/or addresses” and “a device (10) for checking, based on the data stored in the database, if a subscriber relationship (8, 9) of the mobile communication system and/or IP address associated with the transmitter and the receiver are linked; and if the receiver is authorized to receive the video data from the

transmitter.” {August 18, 2009 Final Office Action: p. 8, 17 through p. 9, l. 2} These limitations are merely the apparatus counterpart of the last two steps in method claim 15 which the Examiner maintains are taught by Ortiz et al. Therefore, there is inconsistency in the Examiner’s arguments with respect to claims 15 and 26.

The Examiner’s rejection with respect to claim 26 will now be addressed. In the outstanding Office Action the Examiner acknowledges that certain limitations in claim 26 are not disclosed by Ortiz et al. and yet maintains such limitations are nevertheless taught by Script et al. First, Applicants assert that the two references are clearly non-analogous prior art references. MPEP §2141.01(a)(I) provides “Thus a reference in a field different from that of applicant’s endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his or her invention as a whole.” Applying these principles to the present situation the two references are in different fields. Ortiz et al. is directed to wireless transmission of in-play camera view to hand held devices while Script et al. relates to a portable motion detector and security alarm method and system. Such different fields of invention would not have logically commended themselves to being drawn to the attention of one of ordinary skill in the art.

Even assuming, *arguendo*, that the two references are analogous prior art, the combination fails to teach the present claimed invention. Script et al. fails to disclose “a database of the mobile communication system for linking two subscriber relationships and/or IP addresses.” The relevant passage from Script et al. reads “There is also connected to the computer host 261 a large capacity data storage resource 264 (such as a storage array, a storage network, etc.) that stores a subscription database containing subscriber information for multiple subscribers. The subscription information includes data sets that correlate the unique identifiers associated with each subscriber's motion sensing and transmitting means 20 with object identification information specified by the subscriber.” [paragraph [0107]] Thus, in contrast to the present claimed invention calling for a database “linking two subscriber relationships”, Script et al. discloses subscription information correlating for each subscriber unique identifiers associated that that subscriber’s motion sensing and transmitting means with object identification information specified by that same subscriber, the relationships among two subscribers are not correlated.

Since no two subscriber relationships are correlated, Script et al. also fails to disclose or suggest “a device (10) for checking, based on the data stored in the database, if a subscriber relationship (8, 9) of the mobile communication system and/or IP address associated with the transmitter and the receiver are linked; and if the receiver is authorized to receive the video data from the transmitter.”

Dependent Claims 17 & 28

Claim 17 specifies “setting up a connection between transmitter and receiver by dialing the associated mobile subscriber telephone number (MSISDN) or an IP address.” In rejecting claim 17 the Examiner states that Stewart et al. (Col. 6, ll. 15-20) reads on this limitation. The passage referred to by the Examiner states “The PUD [Packet User Database] 52 holds call group records for identifying the members of a call group. Referring to FIG. 4, which shows an exemplary call group record, a field for a single call group is identified by a call group ID containing fields 60, two or more mobile station IDs, MSID1, MSID2,...,MSIDn are contained in fields 62, and each mobile station ID field 62 has an associated call seize field 64 flagged to indicate that the associated mobile station has currently seized the call group.” (emphasis added) Stewart et al. discloses mobile station IDs (e.g., MSID1, MSID2,...,MSIDn), not telephone numbers dialed to set up a connection between transmitter and receiver, as found in claim 17.

The Examiner maintained the same grounds for rejection with respect to claim 17 but in his remarks did not comment as to why such arguments are not persuasive, instead addressing only the arguments with respect to independent claim 15. Should the Examiner maintain the rejections with respect to claim 17, Applicant requests that he comment as to why such arguments provided above do not distinguish over the prior art of record.

Claim 28 is a similar apparatus counterpart of method claim 17. Despite the fact that claims 17 and 28 are counterparts of one another, the Examiner rejects claim 28 on different grounds using different prior art than that used to reject claim 17. Addressing the prior art rejection of claim 28, it is the Examiner’s position that the limitation in claim 28 is taught by Stubbs. The passage in question (Col. 1, ll. 55-65) merely discloses storing international mobile subscriber identification (IMSI) in a home location register (HLR), but fails to disclose storing associated mobile subscriber telephone number (MSISDN) for setting up the call by dialing the

telephone number.

Dependent Claims 18 & 29

Claim 18 provides “storing routing rules for transmitting video data between the transmitter and receiver in the database.” It is the Examiner’s position that this limitation is taught by paragraphs [0018]-[0019] of Stewart et al. Applicant respectfully disagrees. Stewart et al. discloses that “The hub 16 includes a router 28 that routes video streams to requesting clients 14 using a wireless link. The clients 14 can access the video streams by establishing communication with the hub 16 and authenticating themselves to a conditional access module 30 at the hub 16. That is, to access a particular stream a client 14 establishes communication with the hub 16 and requests a particular video stream from a client-selected location 12, with the conditional access module 30 permitting (or not) the client 14 to receive the selected stream, depending on the client’s authentication. Consequently, access to the surveillance video streams generated by the sources 18 can be controlled by the hub 16 on a client-by-client basis.” (paragraph [0019])(emphasis added) Thus, transmission is dependent exclusively on authentication by the client irrespective of from where the video originated (transmitter), rather than routing rules between the transmitter and receiver, as called for in claim 18.

The Examiner maintained the same grounds for rejection with respect to claim 18 but did not comment as to why such arguments are not persuasive, instead addressing only the arguments with respect to independent claim 15. Should the Examiner maintain the rejections with respect to claim 18, Applicant requests that he comment as to why such arguments provided above do not distinguish over the prior art of record.

Claim 29 is the apparatus counterpart of method claim 18. Despite being the apparatus counterpart of method claim 18, claim 29 is rejected on different grounds. Addressing the prior art rejection with respect to claim 29 being taught by Ortiz in paragraph [0082]. The paragraph in question reads “Those skilled in the art can appreciate that although real time video data may be transmitted to server 100, captured past video images may also be stored within server 100 and transferred to hand held device 60 for display at display screen 61. For example, instant replays may be transferred as video data to hand held device 60 upon the request of a user of hand held device 60. Such instant replay footage can be displayed on display screen 61 for the

user to view.” (emphasis added) Ortiz et al. fails to disclose or suggest routing rules for transmitting video data between the transmitter and receiver being stored in the database. Instead, sever 100 stores captured video images and transfers them at the request of a user of hand held device 60. No mention is made of transmission being based on routing rules or of the server 100 storing such information.

Dependent Claim 22

Claim 22 states “setting up a connection or transmitting data between transmitter and receiver only based on a triggering event.” In rejecting the claim the Examiner maintains that this limitation is taught by Stewart et al. in Figure 1 and the disclosure associated therewith. Applicant respectfully disagrees. Stewart et al. teaches transmission of data only after a request from the client 14 (paragraphs [0017], [0019]) is received rather than a “triggering event.”

The Examiner maintained the same grounds for rejection with respect to claim 22 without commenting as to why such arguments are not persuasive, instead addressing only the arguments with respect to independent claim 15. Should the Examiner maintain the rejections with respect to claims 22, Applicant requests that he comment as to why such arguments provided above do not distinguish over the prior art of record.

Dependent Claim 27

Claim 27 depends from claim 22 and further specifies “wherein the triggering event is detection of movement by a motion sensor or a regularly scheduled time interval.” As discussed above with respect to claim 22, from which claim 27 depends, Stewart et al. teaches transmission of data only after a request from the client 14 (paragraphs [0017], [0019]) is received rather than a “triggering event,” much less, the specific triggering event of detection of movement by a motion sensor or a regularly scheduled time interval. Stewart et al. does disclose a motion sensor 39 as an indication of motion in a location 12 but only for the purpose of establishing the frame rate not to trigger setting up a connection or transmitting data. Data is transmitted regardless of whether any motion is detected, only the frame rate of transmission varies depending on the detected motion at a location.

In the outstanding Office Action the Examiner rejects claim 27 as being taught by paragraph

[0056] of Ortiz et al. The claim expressly calls for the specific type of sensor as being “detection of movement by a motion sensor.” Ortiz et al. fails to explicitly mention a sensor. Paragraph [0056] of Ortiz et al. to which the Examiner refers discloses a sound generator and speaker (not a sensor). Moreover, the sound generator and speaker clearly do not detect movement and thus are not analogous to the claimed motion sensor.

The Examiner maintained the same grounds for rejection with respect to claim 27 without specifying why such arguments are not persuasive, instead addressing only the arguments with respect to independent claim 15. Should the Examiner maintain the rejections with respect to claim 27, Applicant requests that he comment as to why such arguments provided above do not distinguish over the prior art of record.

For at least the foregoing reasons, Applicant submits that claims 15-31 are patentable over the prior art of record and passage of this application to issuance is therefore requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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